

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

V.

GABRIEL ESCAMILLA, ET AL,
Defendants,

CRIMINAL ACTION
NO. 02-1647-CBS

MEMORANDUM OF PROBABLE CAUSE AND
ORDER ON THE GOVERNMENT'S MOTION FOR DETENTION
June 18, 2004

SWARTWOOD, M.J.

I. Nature of the Offense and the Government's Motion

On April 17, 2002, a Criminal Complaint was filed, charging Gabriel Escamilla ("Mr. Escamilla") and another, with conspiracy to distribute and possession with intent to distribute marijuana, in violation of 21 U.S.C. §§846 and 841(a)(1).

At Mr. Escamilla's initial appearance on June 4, 2004, he was advised of his right to a preliminary examination in accordance with Fed. R. Crim. P. 5.1 and the Government moved for a detention hearing in accordance with 18 U.S.C. §§3142(f)(1)(C) (Mr. Escamilla is charged with an offense for which a maximum term of imprisonment of ten years or more is prescribed in the "Controlled Substances Act") and (f)(2)(A) (risk of flight).

On June 16, 2004, a consolidated probable cause/detention hearing was held and at that hearing, Mr. Escamilla waived his right to a probable cause hearing and assented to an Order of Detention, but reserved his right for a detention hearing in the future.

VI. Order of Detention Pending Trial

In accordance with the foregoing memorandum,
IT IS ORDERED:

1. That Mr. Escamilla be committed to the custody of the Attorney General or his designated representative, for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

2. That Mr. Escamilla be afforded a reasonable opportunity for private consultation with counsel; and

3. On order of a court of the United States or on request by an attorney for the Government, the person in charge of the corrections facility in which Mr. Escamilla is detained and confined shall deliver Mr. Escamilla to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

RIGHT OF APPEAL

THE PERSON OR PERSONS DETAINED BY THIS ORDER MAY FILE A MOTION FOR REVOCATION OR AMENDMENT OF THE ORDER PURSUANT TO 18 U.S.C. § 3145 (b) .

/s/Charles B. Swartwood, III
CHARLES B. SWARTWOOD, III
MAGISTRATE JUDGE